

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVI

US EPA RECORD CENTER REGION 5



591072

978367

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Civil Action No. SN 00056

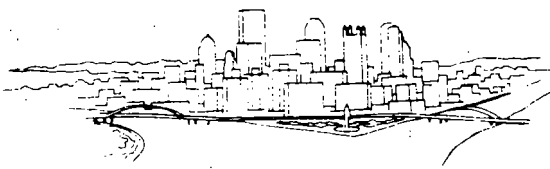
CONSOLIDATED RAIL CORPORATION
aka CONRAIL,
Defendant.

COUNSEL PRESENT:

For the Plaintiff: Peter E. Jaffe, Esq.
Department of Justice
For the Defendant: Bingham, Dana & Gould
by James A. Ermilio, Esq.
For Penn Central: Pierce E. Cunningham, Esq.

DEPOSITION OF ED SHARP,

a witness herein, called by the Plaintiff for examination,
taken pursuant to the Federal Rules of Civil Procedure, by
and before Ann Medis, a Registered Professional Reporter and
Notary Public in and for the Commonwealth of Pennsylvania, at
1400 Gulf Tower, Pittsburgh, PA, on Thursday, January 7,
1993, at 11:35 a.m.



Powers and Garrison

The Court Reporters
600 Warner Centre
Pittsburgh, Pennsylvania 15222
Phone: (412) 263-2088

I N D E X

WITNESS: ED SHARP

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P R O C E E D I N G S

ED SHARP

a witness herein, having been first duly sworn, was
examined and testified as follows:

EXAMINATION

BY MR. JAFFE:

Q. Hi. Can you state your name for the
record, please.

A. Ed Sharp.

Q. And an address, please?

(b) (6)

Q. And a telephone number where you can be
reached?

A. Work number is area code 412, 928-7117.

Q. Thank you. My name is Peter Jaffe, and I
am with the United States Department of Justice. I
represent the United States and Environmental
Protection Agency in litigation that is presently
ongoing between the U.S. EPA and Conrail, and this
deposition is being taken just to get some
information about the Elkhart rail yard and what

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went on there during the years you were there.

First let me ask you have you reviewed any documents in preparation for this deposition?

A. No.

Q. Have you had any discussions with anyone other than attorneys for Conrail in preparation for this deposition?

A. No.

Q. Have you made any notes or memoranda in preparation for the deposition?

A. No.

Q. I'd like to begin by just getting to know you a little bit better, if I could. Can you tell me when and where you graduated high school?

A. Albany, New York, Albany High School.

Q. What year was that?

A. 1967.

Q. What did you do following high school?

A. I had a job at Sager & Spuck Supply Company in Albany, New York.

Q. What was your position there?

A. I was a truck driver.

Q. How long did you do that for?

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A. Approximately a year.

Q. What did you do after that?

A. Went into the US Army.

Q. How long were you in the Army?

A. Three years.

Q. What type of work did you do in the Army?

A. I was a heavy equipment operator.

Q. You were stationed in the United States?

A. Partially. I was in Vietnam for a year.

Q. What did you do following your discharge?

A. I hired out with Penn Central Railroad.

Q. Is that in approximately 1971?

A. January of '71.

Q. What was your first position with Penn Central?

A. I was a car repairman at the Selkirk yard in Selkirk, New York.

Q. How long were you in that position?

A. I held that position for a little over a year.

Q. Then where did you go?

A. I was promoted to the supervisor at Selkirk.

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Q. How long were you a supervisor?

A. I was supervisor of the division of Selkirk until 1979.

Q. At that point?

A. I went to Oak Island, New Jersey as general car foreman.

Q. I'm sorry. Did you say Oak Island, New Jersey?

A. Yes, right next to Newark.

Q. How long were you there?

A. About seven months.

Q. Following that?

A. Back to Selkirk.

Q. And your position was?

A. Back as a car inspector.

Q. How long were you there? I know this tests your memory. Can you just tell me the date, if you know that?

A. I was there till, I think, September of -- I got to add -- September of '80.

Q. In September of '80 what happened?

A. Went to Cleveland, Ohio as a general car foreman. I was there from 1980 till about 1984. In

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1
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3 1984 I went to Jackson, Michigan. I was division
4 mechanical superintendent up there.

5 Q. I'm sorry. Division mechanical?

6 A. Superintendent.

7 Q. Okay.

8 A. I was in Jackson until September of '85.
9 Then I transferred to Elkhart, Indiana. I was
10 terminal general car foreman in Elkhart, Indiana
11 from September of '85 to November of 1990. November
12 1990 I was transferred to Pittsburgh, Pennsylvania
13 as assistant mechanical superintendent. In July of
14 1992 I was promoted to mechanical superintendent at
15 Pittsburgh division here in Pittsburgh and presently
16 still at that job.

17 Q. Your present job is mechanical
18 superintendent?

19 A. Yes.

20 Q. That's with the division that oversees the
21 Elkhart yard?

22 A. No.

23 Q. Is that a different division?

24 A. Yes.

25 Q. Can you briefly tell me what the duties

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are of a car repairman as they were when you were at Selkirk yard?

A. To make repairs to freight cars, to make them within the FRA standard.

Q. FRA?

A. Yes.

Q. What does that mean?

A. Federal Railroad Administration.

Q. What does a supervisor of car repairmen do?

A. Oversees the repair, the repairmen working on the cars, writes up the cars for repair, ensures that the repairs are made and prepares billing forms so the proper billing cycle is done on the cars.

Q. You say writes up cars for repair. What do you mean?

A. It would be inspecting the cars or writing up any defects found on the car to be repaired.

Q. Where do you write these defects up? What kind of records are kept?

A. It's on a CRB-10.

Q. CRV-10?

A. B as in boy.

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Q. CRB-10?

A. Right.

Q. Is this type of form still used today?

A. Yes.

Q. To whom is this CRB-10 sent?

A. It's AAR, American Association of Railroads. It's the billing bureau that Conrail has, its own AAR billing bureau.

Q. Where is that located?

A. Philadelphia now.

Q. Are the CRB-10s the same as you were talking about when you talked about billing forms?

A. They're basically the same. They've had revisions to the form. I don't remember for sure if Penn Central called them CRB-10s, but it's a header form.

Q. What do you mean by header form?

A. You write up on this page the defects in general that you find on a car, and then in the billing process, there's other forms, other CRBs that correspond with the repairs that you make, and that is what you make out to bill the car.

Q. What kinds of information do you put down

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on the CRB-10?

A. The items that need repaired or need attention.

Q. For example, if it were a boxcar and the ladder were coming off of a car, would you write down the contents of the car?

A. No.

Q. Would there be any indication from the form as to what the contents of the car might have been?

A. It would tell you whether it was empty or loaded. That's it.

Q. Would it tell me how many pounds it was loaded with?

A. No.

Q. If the boxcar somehow had a hole in it or a leak in it, and it was a full boxcar, would there be any indication as to how much of the load was lost?

A. You would make out another -- that's another form. That's called a loss of lading form.

Q. Do you know is there a number for that?

A. There is, but I don't remember it offhand.

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Q. That's its official name, loss of lading form?

A. Yes.

Q. Who keeps that?

A. Those are kept at the car shops.

Q. How long are they kept for, do you know?

A. Not offhand, no.

Q. Is a copy sent to Philadelphia?

A. It could be if requested.

Q. Would it be as a regular practice?

A. Not that I'm aware of, no.

Q. What was the purpose of the loss of lading form? Under what circumstances would a person go back to review the loss of lading forms?

A. For a customer claim.

Q. What type of claim?

A. Loss of lading.

Q. So for the value of whatever the good was that was lost?

A. Yes.

Q. Would this loss of lading form also be a form that would be used if a tank car lost some of its contents?

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2
3 A. No. A tank car, any kind of hazardous
4 material, you use a form CT-65.

5 Q. Is that the only form you would use is a
6 CT-65?

7 A. Basically, yes. If it was leaking, they
8 would also make a UOR, which is an unusual
9 occurrence report, out, but as far as anything
10 involving hazardous material, it's a CT-65.

11 Q. What if it were a tank car holding
12 nonhazardous materials?

13 A. No. You will use the CT-65.

14 Q. What kind of form would you use?

15 A. Loss of lading form.

16 Q. You either use loss of lading form or a
17 CT-65, but you would not use both?

18 A. Right.

19 Q. When you were a car repairman or a
20 supervisor at the Selkirk yard, was that
21 substantially the same operation as was going on at
22 the time you were working at Elkhart, some kind of
23 car repair operation?

24 A. Basically, yes.

25 Q. Was there any other types of regular forms

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that you would keep when you were a supervisor or a repairman at Selkirk?

A. In regard to what?

Q. In regard to repairs that were made on cars.

A. All I handled was the CRB.

Q. All the CRB-10s, or are there other CRBs?

A. As I stated, there are CRBs that go with the CRB-10s. CRB-10 is the header form. The other CRB forms are proper parts, labor or whatever is involved in repairing the freight car.

Q. Other than the ones that come under that header, were there any other forms?

A. Not as far as repair, no.

Q. The other forms would have to do with purchasing and so forth?

A. Well, I mentioned two different forms here already. We mentioned CT-65 for loss of hazardous material, loss of lading form for loss of lading.

Q. Do you recall any other types of forms? Are there 200 or are there five more?

A. There's more of them than I can remember. They're in book we have that we have to refer to to

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remember all the forms.

Q. What's the name of the book?

A. It's the manual of AAR standards, and it has all the Conrail forms in it that Conrail uses.

Q. Did you say FAR?

A. AAR.

Q. What does that stand for?

A. American Association of Railroads.

Q. I sort of interrupted your answer. It's the manual of AAR standards?

A. Right.

Q. Then you were saying something else.

A. It tells -- it lists the Conrail forms that are used, basically what they're used for and how long they're to be kept for.

Q. Does it tell to whom copies should be sent?

A. I don't believe in that book, no.

Q. The form itself, if I got a copy of the form, would it say to whom I should send copies if I were the one filling it out?

A. Most of them do, yes.

Q. What are the duties of a general car

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foreman?

A. General car foreman is in charge of the yard where car inspectors and car repairmen work, and we're to oversee the operation of the yard, the safety of employees, the budgets, the expenditures and basically to supervise the operation of the yard on the mechanical side.

Q. When you were a general car foreman, you were you responsible for purchasing of materials that were necessary for the car shop?

A. That was handled by the material department.

Q. Is that true of all the jobs that you worked at?

A. At all the locations I worked, yes. There was the material department that handled the material.

Q. Did the car shop keep any records of the materials that they ordered?

A. The material department didn't.

Q. Did you just do this orally, or was there a written form which you sent to the material department?

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A. If we were off like on inventory -- like the material department would inventory what was on hand, and if the supply was low, they would order enough to make whatever the quota or the quantity was needed there.

Q. That was true at Elkhart?

A. Yes.

Q. Other than these periodic inventories that were taken by the materials department, if you or someone else in the car shop determined we're just completely out of X or Y, if that is necessary for our operations, how would you go about getting more of that supply?

A. You would go to the material department and tell them what you're out of and what you needed.

Q. When you were at Elkhart, was any purchasing done outside of the material department?

A. No. It was all handled in the material department.

Q. We talked to other people at Elkhart. They told us the material department handled most things. If they needed a small amount of one

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supply, there was another way of going about getting it from a local shop or something like that, if you needed 12 gallons of paint, for example, or something like that. Was that true with the car shop?

A. There was a small value purchase order that you could use up to \$300.

Q. When you were at Elkhart, do you ever remember using that type of form?

A. Yes.

Q. Do you remember if those records were kept anywhere?

A. They will be at the car shop.

Q. Do you remember how long they were kept for?

A. No, I don't.

Q. What are the duties of a car inspector?

A. Basically to inspect freight trains to make sure that the safety splines and the running gear and the car is in a safe condition to operate over the railroad.

Q. When you were at Selkirk, for example, is that a job that is supervised by the car shop or is

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that supervised by some other facility?

A. Car inspector is usually supervised by yard foreman.

Q. In '84 I think you said you were the Jackson division mechanical department superintendent.

A. Jackson.

Q. When you say division, is that division headquarters?

A. At that time Jackson was a division, yes.

Q. Did that division in any way supervise at that time Elkhart?

A. No.

Q. I'd like to ask you briefly -- not so briefly. I apologize for asking this. Can you tell me the other people who worked with you in the car shop and their positions when you were at Elkhart?

A. Worked with me or worked for me?

Q. Let's do it this way. At Elkhart you said you were the terminal general car foreman; correct?

A. Yes.

Q. Were you the only terminal general car foreman at that time?

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A. During that period, yes.

Q. Do you remember who your predecessor was?

A. Bruce Hufnagle.

Q. Can you spell his last name, please?

A. I'm pretty sure it's H-u-f-n-a-g-l-e.

Q. Do you know how many years he worked there?

A. Not exactly, no.

Q. Do you remember approximately?

A. It would just be a guess, no.

Q. You can guess.

A. A couple years.

Q. Do you know who Bruce Hufnagle's predecessor was?

A. Harry Beggs, B-e-g-g-s.

Q. Do you know how long he was there?

A. No, I don't.

Q. Do you know who Harry Beggs' predecessor was?

A. No.

Q. When you were terminal general car foreman at Elkhart, to whom did you report?

A. When I first went to Elkhart, I reported

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to Rick Hill.

Q. Rick?

A. Hill, H-i-l-l.

Q. What was his position?

A. He was mechanical superintendent of the Dearborn division.

Q. You said that was when you first started there, so I take it somebody changed.

A. Yes. He was transferred, and then I reported to Ken Carter.

Q. Anybody else after that?

A. No. Ken Carter was still there when I left.

Q. Do you know approximately how long Rick Hill was in Dearborn?

A. He was in Jackson. He was in Dearborn when I was in Jackson, and he was there part of the time when I was in Elkhart. I couldn't say how many years he was there.

Q. What are the duties of a mechanical superintendent at Dearborn?

A. It would be to oversee the Dearborn division which includes numerous yards basically

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1
2
3 west of Cleveland all the way to Chicago.

4 Q. Did they get copies of some of the records
5 that you produced like the CRB-10?

6 A. Only if they requested it.

7 Q. They may request a CRB-10 for a particular
8 repair?

9 A. Right.

10 Q. Do you know who the mechanical
11 superintendent would report to?

12 A. He reported to the superintendent of the
13 CI&R, car inspection and repair, in Philadelphia.

14 Q. I take it you don't know any of the names
15 of people there when you were there, or do you?

16 A. I just scratched my head. I can't
17 remember.

18 Q. That's fine. When you were at Elkhart,
19 who reported to you?

20 A. Basically the general car foreman and the
21 gang foreman. Those are my main people that
22 reported to me.

23 Q. What are the duties of a general car
24 foreman? I think we actually discussed that. What
25 is a gang foreman?

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A. Gang foreman is -- that's a supervisor who is in a union. They belong to a union. He watches as I was when I was a shop foreman. A gang foreman is a shop foreman, just different slang of the word.

Q. What were the names of the general car foremen when you were there at Elkhart?

A. When I first went to Elkhart Mel Thimlar, T-h-i-m-l-a-r.

Q. I'm sorry?

A. Mel T-h-i-m-l-a-r. Larry Robbins was another general car foreman there. You want all the five years I was there?

Q. If you can remember them, yes.

A. I'll tell you the ones I can remember.

Q. That's the best you can do.

A. Mike Dziak, D-z-i-a-k, Floyd Lynch, L-y-n-c-h, Bob Santano.

Q. Is that S-a-n-t-a-n-o?

A. Yours is as good as mine. That's the ones I can remember right now.

Q. I'm really going to test your memory. Do you know how long Mel Thimlar was at Elkhart?

A. At Elkhart, no, because Mel had held other

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supervisory jobs besides Elkhart. I don't know.

Q. How about Larry Robbins?

A. I'd say Larry Robbins was there approximately two years.

Q. How about Mike Dziak?

A. He was there approximately two years also.

Q. How about Floyd Lynch?

A. Floyd was there when I was there, and I believe Floyd is still there now.

Q. Two, three years?

A. Four, five.

Q. And Bob Santano?

A. Approximately a year.

Q. Can you remember the names of any gang foremen?

A. Yes. You want them all?

Q. Yes, please.

A. Clayton Powers, P-o-w-e-r-s, and Jim Hupp, H-u-p-p, and Jim Thimlar. I had Willie Wills, Tom Spry, Carl Garn.

Q. Carl?

A. Garn, G-a-r-n. That's the only names I remember right now, but there was more.

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Q. Do you remember how long Clayton Powers was at Elkhart?

A. Clayton Powers was there when I got there, and he's there as of this day.

Q. How about Jim Hupp?

A. Same; he was there when I got there, and he's still there.

Q. Jim Thimlar?

A. Same with Jim Thimlar. He was there when I got there and he's still there.

Q. How about Willie Wills?

A. Same with Carl Garn.

Q. Tom Spry?

A. Tom Spry the same. Carl Garn was there when I got there, and he has recently -- I don't know exactly when left the company.

Q. Who else worked at the -- what other positions were there in the car shop?

A. Car repairman. There's a laborer. I had a machinist at one time or another. I've had an electrician and clerks. That's about it as far as titles go.

Q. And the clerks keep the records that we

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2
3 were talking about earlier. Is that what they do?

4 A. They maintain them, file them. The CRB
5 billing forms I told you about, they input those
6 into the computer and like that.

7 Q. If I wanted to ask somebody about those
8 types of records and the computer operations, that
9 sort of thing, those clerks who had been there for a
10 while, who was particularly knowledgeable about
11 that?

12 A. Well, my clerk when I was there -- we were
13 down to one when I left -- her name was Sherry
14 Birckman.

15 Q. Do you know how many years she had been
16 there?

17 A. About two.

18 Q. You said you were down to one. Do you
19 know if it's still one there now today or if there
20 are no clerks?

21 A. Still one, not her, but still one.

22 Q. What does a machinist do that's different
23 from a car repairman?

24 A. Machinist, he would make some repairs to
25 some of our compressors plus repair to a forklift,

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some repairs to our trucks.

Q. You say your compressors. Those would be compressors that were part of the car shop as opposed to on the car?

A. Right, to supply air to the car shop.

Q. Are there any machinists that you know of who have been around for a while?

A. The only one that was there when I was there was Rex Anderson, and while I was there, I did away with his job.

Q. Why did you do away with his job?

A. There wasn't that much need for it anymore.

Q. When you say anymore, did you eliminate some of the equipment that he did, or was there a restructuring in the organization?

A. Mostly handled by outside vendors.

Q. Do you know the names of those outside vendors that were handling it?

A. Town & Country Gates was handling the trucks and vehicles, and Erecto was handling our bigger equipment, our cranes and forklifts -- excuse me -- cranes and heavier equipment. An outfit

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called Material Lift Truck was handling the repairs on the dump trucks.

Q. What types of things would the electrician work on?

A. Electrician was used basically for repair in building of marker devices for trains and also fixing electrical problems that had developed in cabooses.

Q. Do you remember the name of any electricians?

A. I can see his face, but I can't put a name on it. Cole, L. D. Cole.

Q. C-o-l-e?

A. Yes.

Q. Do you know how long he was there?

A. I believe a couple years.

Q. Do you know where he is today?

A. No.

Q. Is he still with Conrail, do you know?

A. Best of my knowledge, yes.

(Whereupon, Sharp Exhibit No. 1 was marked for identification.)

Q. Mr. Sharp, I'm showing you what's been

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marked as Exhibit No. 1 for identification. If you could, tell me what this piece of paper is.

A. Layout of Elkhart yard.

Q. Is that a true and accurate layout of the yard as it was when you were there?

A. Yes.

Q. Can you identify where the car shop was when you were there? If you want to use my pen, you can just circle on the map.

A. That's right there where they show No. 6.

Q. You may have already stated this briefly, but I'd like you, if you could, with a little bit more detail to tell me what the operations are that go on at the Elkhart car shop.

A. At the car shop itself we repair any defective freight cars to make them safe to run on the rail.

Q. That's sort of the textbook definition. I want to get down to exactly what happens. For example, how is it determined whether a car is defective or not?

A. If something is broken, missing, worn out, and also going back to the AAR again, which is the

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3 American Association of Railroads, they have
4 condemning limits for wheels and couplers and other
5 parts of the car. When they were worn to a certain
6 limit, they have to be changed.

7 Q. Are cars inspected as they come through
8 the yards?

9 A. Train comes into the yard. Car inspectors
10 go out on the train. They bleed the air out of it.
11 What that does is it releases the brakes on the car.

12 Q. This is before or after it goes over the
13 hump?

14 A. Before.

15 Q. Go ahead.

16 A. They go around the car while they're
17 bleeding air. They inspect the car for any damage,
18 any defective parts, missing parts, condemnable
19 parts that I told you before. When they're done
20 inspecting the train, they give it back to the --
21 tell the transportation department the train is
22 okay. If there's a car in there that has to be
23 repaired, they'll give the car number, initial the
24 number. The train is then humped. Any bad cars or
25 defective cars that the car inspectors give them are

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switched to a track in the classification yard.

That's on the other side of the hump. And the good cars are put into a classification track as far as their destinations.

Then the cars are pulled out of the classification yard and brought in the shop, and repairs are made to the car. The car is repaired. It is then marked okay. It goes back up to the classification yard on the proper track for where it's destined to.

Q. The car shop supervising inspectors, are they supervised by the yard foreman or somebody else?

A. The inspectors are supervised by the yard foreman.

Q. Do you know somebody who would be particularly knowledgeable about the operations of the inspectors themselves?

A. Me.

Q. Why would you be familiar with that if you did not supervise them?

A. I was in charge of the whole yard. I had the whole mechanical department at Elkhart which

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2
3 included the inspectors, the repairmen, the
4 machinists, the electricians, the clerks, the
5 general car foremen. The whole mechanical
6 department in Elkhart yard was under my control.

7 Q. Is that during the whole time you were at
8 Elkhart?

9 A. That's true.

10 Q. So when I asked you earlier who reported
11 to you and you said the general car foremen and the
12 gang foremen, you were talking only about the car
13 shop at that time?

14 A. No. Gang foreman, as I told you before,
15 is a slang that can be used either for a shop
16 foreman or yard foreman. The slang for it is gang
17 foreman.

18 Q. So the gang foreman -- let me return to
19 that for a second so I'm sure I understand what's
20 going on. The general car foreman who you
21 supervised at that time, those are all people in the
22 car shop?

23 A. General car foreman is a nonagreement
24 management personnel who is nonunion who oversees
25 the operation of the yard also, or maybe a better

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term for them would be like one of my assistants, but they're not titled assistant.

Q. So all of the people you named, did they all hold the identical position?

A. No.

Q. Let's briefly return to them. What was the position Mel Thimlar held?

A. General car foreman.

Q. And he was in charge of what?

A. Being general car foreman, he was basically an assistant to me. So he still had to oversee the shop and yard operations of the mechanical department.

Q. What was the differences between Mel Thimlar's duties and Larry Robbins' duties?

A. It would be like Mel Thimlar worked first shift. Larry Robbins worked third shift.

Q. Other than the shift differences, their responsibilities were primarily the same?

A. Yes.

Q. And the gang foreman that you listed for me, were they foremen all in the same shop or different shops?

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A. Different areas.

Q. What area was Clayton Powers in?

A. The time I was at Elkhart, Clayton Powers was supervisor of the car repairmen on track one at one time. And after that he bid another job where he was in charge of the car men at the clean-out tracks, and Clayton Powers was also wreck master, wreck master being the person who is in charge of the people who rerail cars.

Q. What about Jim Thimlar?

A. Jim Thimlar held the shop foreman's position when I was there, and he also held a yard foreman's position when I was there.

Q. When you say shop foreman, you're referring to what?

A. Car shop.

Q. What about Jim Hupp?

A. Jim Hupp was relief wreck master. He also worked at the clean-out while I was there, and he also supervised the car repairmen on track one for a period of time.

Q. What do you mean by the car repairmen on track one? Is track one a particular thing?

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A. Elkhart is broke up. Track one is a designated track basically for shifted loads and open top loads and things of that nature.

Q. So when a car came in on track one, what was done to it?

A. Basically it was for load adjustment or load securement.

Q. What about Tom Spry?

A. Tom Spry, the period I was there, he was the shop foreman and also a yard foreman.

Q. Willie Wills?

A. He was a yard foreman.

Q. Are there different kinds of yard foreman, or is there just one kind of yard foreman?

A. Just one kind.

Q. They are the foremen of the operations that are going on outside of the shop but still in the mechanical department; is that correct?

A. Correct.

Q. One more; how about Carl Garn?

A. He was a yard foreman.

Q. So basically when you're talking about gang foremen, you're primarily talking about two

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different operations. One is the yard foreman, and the other is the car foreman, and there are some others that you mentioned like track one foreman. Is that a separate position?

A. Track one is a track in the shop. He's still a shop foreman.

Q. What kind of inspections are done to the cars when they are bled, that first inspection you were talking about earlier? Let me restate that. Are there a written set of instructions or a checklist for performing the inspection that is done when the cars are bled?

A. It's called an inbound inspection, and at various times we school or train -- whatever word you want to use -- the inspectors as far as what they are to look for, what the definitions of defective are, what the definitions of broken are, what unsafe is and various degrees of what is not a safe car to run on Conrail.

Q. Other than this periodic training, is there anything else that would instruct somebody what to look for, how to inspect a car?

A. There's a small booklet that Conrail put

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3 out. I can't remember the name of it right now, but
4 it tells what kind of defects and problems with a
5 car a car inspector should look at.

6 Q. You say it was a small booklet. Was this
7 distributed to all the employees?

8 A. Yes.

9 Q. Do you remember about when this was done?

10 A. Not offhand, no.

11 Q. Was it done while you were at Elkhart?

12 A. Yes.

13 Q. Prior to that, was there any written
14 material?

15 A. They have -- I guess I don't get what
16 you're getting at.

17 Q. Well, you're talking about a small booklet
18 that was distributed to all the employees.

19 A. That's correct.

20 Q. And that was printed or distributed at
21 sometime while you were at Elkhart?

22 A. That's correct.

23 Q. My question goes to whether there was a
24 predecessor to that book that was distributed to all
25 the employees or whether this was the first time

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that was done?

A. Well, every year the employees get what is called an AAR field manual. In that it has all the car parts, and it has the condemning limits for what's considered broken and what's considered worn out in that book.

Q. And all the employees would get this book?

A. That's correct.

Q. All the inspectors?

A. All the employees.

Q. What we talked about so far has been sort of periodic training. Was there any training given to people when they were first starting the job of inspector?

A. When I was at Elkhart?

Q. When you were at Elkhart, yes.

A. When I was at Elkhart, everybody that worked at Elkhart -- and this is an estimate -- I would say had all worked for the railroad anywhere from 15 to 20 years prior to me getting there. So they all had 15 or 20 years' experience.

Q. So you're saying no training was necessary?

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3 A. We trained them as far as new rules, new
4 concepts, whatever new changes we had.

5 Q. Did you ever have an employee that
6 although they had been with the railroad for some
7 period of time, this was their first job as car
8 inspector?

9 A. Some employees, yes. They had spent their
10 career working in the car shop as a repairman and
11 then went out to the yard to be a car inspector, and
12 that could happen the other way, too, the car
13 inspector being a car repairman.

14 Q. As I understand the bidding system for
15 jobs at the yard, somebody who has seniority can bid
16 for a job over somebody who may be more experienced
17 and more qualified in a similar job. Did it ever
18 happen that someone from a totally different area
19 than the car shop or the mechanical department bid
20 for an inspector job while you were there?

21 A. No.

22 Q. Are you aware of any program or policy
23 under which training would be given to new employees
24 if they ever -- I mean you said while you were
25 there, it had been that way, but are you aware of a

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policy while you were there?

A. You lost me.

Q. That was one of the worst questions I've ever asked. I'm sorry. You stated while you were there, no training of new employees happened. Are you aware whether there was or was not a policy for training new employees should somebody who is inexperienced on the railroad come to Elkhart?

A. If an employee was not experienced, he would be offered -- we would, in fact, give him training as far as what his job was.

Q. As part of the items to be inspected, were cars inspected for loss of load or lading?

A. A load that was visible would be inspected to make sure that everything was tied down and secure. A load inside a boxcar or something like that would not be opened up to see if there was anything missing or anything like that.

Q. So cars that were inspected might have been missing part of their load, and the inspector may not know that?

MR. ERMILIO: Objection. He didn't say that.

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MR. JAFFE: I'm asking a question.

MR. ERMILIO: Can you rephrase your question? Are you asking a hypothetical?

MR. JAFFE: I'm not asking a hypothetical.

Q. If a car came into the yard and was inspected, would it be apparent from the inspection whether or not it had lost some of its load during transit?

A. Certain types of cars.

Q. What types of cars?

A. Open cars where you could visibly see the load.

Q. Would it be apparent from a closed car?

A. If the car was still closed, no.

Q. Were cars weighed when they came into the yard?

A. Some.

Q. Was it part of the inspection to weigh them?

A. Not from my department, no.

Q. When you say some, under what circumstances would they be weighed, do you know?

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A. If there was a load coming from a shipper that had not been previously weighed, there was a scale at the Elkhart hump that they can weigh the car.

Q. Were tank cars inspected for leaks?

A. Yes.

Q. What did that inspection consist of?

A. Again on the inbound it would be a visual inspection to see if there was any leaks, drippings, droplets, or any moisture around the fittings of the car.

Q. What do you mean by fittings?

A. Your dome at the top of the tank car, your bottom outlet to the tank car where the product is put into the car, when a product is also taken out of the car.

Q. Approximately how long on average would an inspector take to inspect a car on the inbound inspection?

A. On the inbound it would be about two minutes.

Q. How many inspectors would inspect a car, one or more?

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3 A. Depending on how the car inspectors work,
4 it could just be one inspector looking at one car or
5 if each is working the side of the train, one
6 inspector can look at one side of the car and the
7 other inspector can look at the other side of the
8 car.

9 Q. If an inspector determines that a repair
10 is needed to be made, did he keep any records of
11 that?

12 A. They made a CRB-8.

13 Q. To whom was the CRB-8 sent?

14 A. To the car shop office.

15 Q. Was that one of the attachments to the
16 CRB-10?

17 A. No.

18 Q. What kind of information was reported on
19 the CRB-8?

20 A. CRB-8 is a car inspector's form where he
21 would record the first number and the last number of
22 the car inspected on the track. He would put down
23 the track number he was inspecting. He would put
24 down the amount of cars on the whole track. He
25 would put down how many cars he inspected. He would

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also put down what time he started inspecting it, what time he finished inspecting it. He would also under the bottom part of that form list any hazardous material cars that were in the train.

Q. As part of that recording of the hazardous materials cars, would he record what those hazardous materials were that were in the cars?

A. No.

Q. What would the recording consist of?

A. Initial and number.

Q. It would just say the number on the tank car assuming it's a tank car, the identifier of the tank car?

A. Yes.

Q. So there would be no way of telling what the contents were from the form?

A. Actually what's in it, no.

Q. So the CRB-8 was something that's kept on every train that the inspector inspected?

A. That's correct.

Q. As part of that form, it would say two cars sent to car shop and the reasons or something like that?

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3 A. There's also a place on the CRB for car
4 bad order. He would list again the marking, the
5 initial and number of the car bad order.

6 Q. The CRB-8 form was sent to the car shop
7 you said; right?

8 A. Correct.

9 Q. What happened to it when it got there?

10 A. If the car inspector made any repairs,
11 they're also written on the CRB-8. The clerk at
12 that time would input that information in the
13 computer that the repair was made, what repair was
14 made and to what car and then the CRB-8s were kept
15 on file.

16 Q. Do you know how long they were kept on
17 file for?

18 A. Not without looking in the book, no.

19 Q. But that would be something that would be
20 in this manual you discussed earlier?

21 A. That is correct.

22 Q. You talked about this computer. What
23 computer is that?

24 A. It's basically like a computer that's
25 wired to our billing bureau in our Philadelphia

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offices where you would input what information and what kind of repairs are put on these forms that are submitted by the car inspectors that come out of the shop, and it's to record the repairs made to cars.

Q. Is there a name of this computer system?

A. Yes, but I can't remember it offhand.

Q. This computer system would have records of the repairs that were made to cars?

A. The original record of repair, the CRB, that is kept at the car shop. When it's input in the computer, that, I guess, goes into some kind of microfiche or something. I mean you can draw it back out of the computer from the people in Philadelphia. They can draw it back out, too.

Q. Do you know how long the records are kept in the computer?

A. No idea.

Q. Let me ask you one more thing about the inspectors. Were there any special inspections that were made for refrigerated cars?

A. Basically on a refrigerated car, if an inspector come up to one, and by looking at the springs of the cars -- if the springs were in a

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3 compressed condition, the inspector may assume that
4 the car was loaded, and if the reefer wasn't
5 running, the reefer unit on the car wasn't running,
6 he would report that to somebody at the car shop,
7 his foreman or somebody, and we would check to see
8 if, in fact, the car was loaded. And if there was a
9 load, if it had to be -- a refrigerated load and/or
10 refrigerated unit had to be running.

11 Q. By reefer unit, you mean refrigerated
12 unit?

13 A. Yes.

14 MR. JAFFE: Might as well take a
15 break.

16 (Luncheon recess taken at 12:45 p.m.)

17 Q. Mr. Sharp, we were talking before the
18 break about what happens to cars when they come into
19 the yard and how they will make their way into the
20 car shop. After the inspection we talked about this
21 morning and following their humping, what happens
22 next?

23 A. Good cars are pulled out of the
24 classification yard and taken out to the outbound
25 yards where the trains are made up, and after the

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trains are made up, they're taken out of the classification yard and sent out to the outbound. The inspectors, car inspectors again go over the cars looking for any obvious hump damage in coupling, the air hoses and checking the air brake system on each car in the train.

Q. What do you mean by hump damage?

A. Sometimes in the operation of the hump a car may come together with another car at an undesired speed or higher speed or possibly a car going on one track could be stalled and another car could catch up to it and possibly sideswipe it, have some kind of damage like that.

Q. What type of damage? What parts of the cars would be damaged by these kinds of incidents?

A. Well, a high-speed coupling could cause damage to the coupler or draft gear arrangement, and if it was an open top load, in other words, a load on a flat car, it could result in a shifting of that load.

Q. What about closed cars?

A. Basically closed cars, the only damage there would be, like I said, the couplers or draft

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gear assemblies like that.

Q. What is the draft gear assembly?

A. It's like a buffer that takes up the shock of a car going back and forth.

Q. Were there ever derailments from hump damage in these same types of incidents?

A. Yes.

Q. In the case of a derailment, would somebody from the mechanical department be involved?

A. Yes.

Q. What would their involvement be?

A. Basically to get the car retracked and determine whether the car was okayed or it would have to go to the shop for repairs.

Q. How would cars be retracked?

A. There's a couple different ways of doing it. You could hook onto the car that's derailed -- I said detracked. Detracked and derailed are the same thing -- with an engine, and you would use a set of what we call rerailers. It's a steel plate like that makes like a ramp that directs the wheels back up on the track.

If you couldn't use that, we have what we

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call pettibone cranes which have 110-ton capacity lifting. The crane could pick it up, and if it was heavier than that and wasn't able to be picked up with that crane, we have another crane at Elkhart that's a 250 ton. They call it a wreck crane, 250 tons.

Q. Was that the wreck crane?

A. Yes.

Q. Who would be in charge of these various cranes, in charge of operating them?

A. The car men are in charge of operating, and as I told you earlier, Clayton Powers was the wreck master who was the foreman in charge of the wrecking.

Q. Do you remember anybody else who was dealt with the wrecking?

A. As I said earlier, Jim Hupp who was the assistant wreck master while I was at Elkhart.

Q. Those two people. Anybody else?

A. Larry Miller, another foreman I didn't mention earlier. He was also a shop and yard foreman. He at different times was the wreck master.

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Q. Were there people who were skilled in using, in operating these wrecks, the cranes?

A. It's another position that you said earlier that people could bid on, and they would have to be qualified for it, and Conrail also provided them with training so they were able to learn the qualifications of the job.

Q. Do you remember the names of any of the operators?

A. When I was there, Pat Bennett, he was the crane operator.

Q. B-e-n-n-e-t-t?

A. Yes. He operated the wreck crane, the crane there. Jim Meadows, he operated the pettibone crane.

Q. I'm not sure what you said.

A. M-e-a-d-o-w-s. Also Larry Jolliff.

Q. Can you spell the last name, please?

A. J-o-l-l-i-f-f. He operated the pettibone crane. Also Larry Newland, N-e-w-l-a-n-d, operated the pettibone crane.

Q. N-e-w?

A. N-e-w-l-a-n-d.

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Q. Anyone else?

A. To the best of my memory, that's the ones I remember that operated the cranes.

Q. Do you know approximately how long Pat Bennett was at Elkhart?

A. He was at Elkhart when I went to Elkhart and was still at Elkhart when I left.

Q. What about Jim Meadows?

A. Jim Meadows was there when I got there, and he was off sick when I left.

Q. What about Larry Jolliff?

A. Larry Jolliff was there when I got there. He was there still there when I left.

Q. Larry Newland?

A. Same with him. He was there when I got there, and he was still there when I left.

Q. Were there any particular reports made of derailment?

A. Yes.

Q. Do you know the names of those reports or numbers?

A. MP-200.

Q. Do you know the name of that form?

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1
2 A. Train accident report.

3 Q. What kind of information was contained in
4 the train accident report?

5
6 A. It would tell you what car numbers and
7 initial, initial and number of the cars that were
8 involved. It would also give you what kind of
9 equipment was used to reraill the car. It would also
10 tell you the wreck master who was in charge, and it
11 would also give you a general idea of the damages to
12 the car and an estimate dollar-wise of the damages.

13 Q. Would it tell you what the contents would
14 be if it were a closed car?

15 A. No.

16 Q. Would there be an indication of the owner
17 of the car?

18 A. Yes, by the initial, car initial and
19 number.

20 Q. Each initial designates a particular
21 owner?

22 A. Yes.

23 Q. Who were the train operators' immediate
24 supervisors?

25 A. When they were wrecking?

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Q. Yes.

A. The wreck master.

Q. Do you remember the name of any of the wreck masters while you were there?

A. Yes. As I told you previously, Clayton Powers.

Q. Those are the names you gave me before?

A. Yes.

Q. I apologize. Do you recall any times when by derailment any tank cars were found to be leaking?

A. Not specifically, and I told you earlier any tank car that had any kind of leak or anything, that a CT-65 form was made out and filed.

Q. Is there a particular place on the yard where hump damage would be likely to occur? When I say likely, I mean more likely than another place.

A. It would be what I referred to earlier as the class yard.

Q. Can you be more specific than that?

A. When the trains come in, they come in to what we call the receiving yard. Then after they're inspected and everything, they're then shoved up to

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a row of trains to the crest of the hump or the top of the hill.

On the other side of the hill at Elkhart there's 80 different tracks for these cars to go into as far as classification, and they are put into these tracks according to their destination. That's the yard that I referred to when I say classification yard.

Q. So it could happen anywhere in that classification yard as likely as another place?

A. Yes.

Q. For example, would it happen closer to the hump or farther away from the hump or that's not really relevant?

A. Not really. It depends on the circumstances.

Q. Are there retarders on the tracks where the cars come down the hump?

A. Yes.

Q. Who is in charge of maintaining those retarders?

A. It comes under the M&W department.

Q. I'm sorry. The M&W?

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A. Maintenance and way.

Q. That is not your department?

A. That's correct.

Q. So following this series of inspections and classification, if a car is found to be -- I believe you said bad order.

A. Yes.

Q. What happens to it then?

A. It's brought into the car shop for repair.

Q. Is there a waiting area for cars if you have several cars that need to be repaired?

A. At the car shop at Elkhart, cars can be repaired on track one, two, three, four, seven and track eight. So those tracks have quite a bit of footage of tracks coming up to the area where all the cars are placed that need repaired. I don't know the exact capacity of the tracks, but they can hold quite a few cars.

Q. Cars might be repaired on the track rather than bringing them into the building or enclosed room?

A. They can be repaired outside, yes.

Q. In what case would they be repaired

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outside?

A. According to the extent of the repair. If it was something that just involved use of a torch or welder or a small part needed replaced or repaired, it can be repaired outside.

Q. Where were the large repairs done?

A. Basically at the car shop under the roof. When I say car shop and under the roof, at Elkhart the shop, there's only three tracks that's underneath the roof, track three, four and two, and it's just a steel structure with a roof on it, no sides or anything.

Q. Is there a floor?

A. Yes, there is.

Q. What kind of flooring?

A. Cement.

Q. Are there drains in the floor?

A. Not to my knowledge, no.

Q. Would all repairs to cars be done at Elkhart no matter how large?

A. Certain repairs. Basically we base repairs on man-hours, and a car that needed body repairs to the extent of like over 75 hours,

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man-hours to repair those cars could be -- if the safety appliances and air brake systems were within compliance, those cars could be sent to a heavy repair shop on Conrail, and if they were not a Conrail car, they would be sent to the home shop which would mean it would go back to the owning railroad for them to repair.

Q. Other than those over 75-hour body repairs, was everything else repaired at the Elkhart facility?

A. Yes.

Q. You mentioned earlier that at certain times you had an electrician who would do repairs to electrical parts in cabooses in cars.

A. Yes.

Q. Was that done under the canopy at the car shop?

A. No. When I first got there, there was quite a few cabooses used on freight trains at that time, and there was what we call the caboose track that was up on the south side of the hump, and the cabooses were placed in there for servicing and repairs. According to your map that you gave me,

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showed me here earlier --

Q. Could you --

A. I can draw about where it was.

Q. By the map, you're talking about Exhibit 1?

A. Yes.

Q. Let me hand you my pen, and you can just draw in, maybe shade in the area of the track you were just describing.

A. It would be right in that area (indicating).

Q. Can you sort of put an arrow to it with words that give the name of what it is?

A. Sure.

Q. So the electrical repairs that you were talking about to the cabooses would be done on what you just marked as cab track?

A. Most of the time, yes.

Q. What about other electrical repairs?

A. To a caboose?

Q. To other cars.

A. Basically the only electrical repairs that we did in the car shop or with a car department

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employee was just to cabooses. Most of the other freight cars don't have any electrical fixtures on them, and if it was something like a reefer unit that has an electrical unit, most of those cars are sent back to the car owner for repairs.

Q. Is that true even if they have contents in them that might spoil?

A. Basically if it was anything major, what would have to be done with a reefer unit like that is the load could be transferred into a good refrigerated car, and then the car would be sent home.

Q. Were there some types of repairs that were done to refrigerated cars, minor repairs?

A. Minor repairs, yes.

Q. Did you ever refill the Freon units?

A. No.

Q. Were the Freon units ever bled?

A. No.

Q. Are you aware of any derailment or other accidents involving refrigerated cars?

A. I'm sure at one time or another I've had a refrigerated car derail.

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Q. Were parts ever cleaned in the car shop under the canopy?

A. No.

Q. Were they ever cleaned anywhere?

A. No, because basically what you would replace would be a new part, and there was no scrubbing or whatever you say of parts in the car shop.

Q. What if the one part you were replacing was a part of a larger apparatus, would you have cleaned the larger apparatus before you put the smaller part in?

A. No. Let me say one thing. When you were cleaning an AB piston, that's the air brake piston, you did have to wipe that out. We wiped it out with a rag, just a clean rag.

Q. Were there any special hand washers other than a sink?

A. No.

Q. Were the cars themselves ever cleaned at the car shop?

A. We had a clean-out track at Elkhart where we would remove dunnage, dunnage being cardboard,

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lumber, banding and articles of this kind, and it was done at the clean-out track, and we had a contractor we hired there that took the banding, cardboard and lumber and that to a disposal area or a dump.

Q. But were the outside of the cars, for example, washed down at any time?

A. Not while I was at Elkhart, no.

Q. Did you ever have occasion to apply grease to cars or parts?

A. We had a grease gun for the lubrication of the roller bearing wheels, and we also had to grease, as I stated earlier, the AB piston. Once you would wipe that out with a rag, you would put a light coat of grease back in there.

Q. Did the grease gun ever require cleaning?

A. That would be just calibrated. It was strictly a calibration of the dispenser as far as how many pounds. That was all.

Q. Was the building itself ever cleaned, the flooring or the canopy, to your knowledge?

A. We have cleaned the floor, yes.

Q. How did you do that?

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A. We used a cleaning solution.

Q. Do you know what that cleaning solution was?

A. No. It was ordered through the material department.

Q. Do you know what kind of a container the cleaning solution came in, 55-gallon drum or five-gallon container?

A. Come in a 55-gallon drum.

Q. Do you remember the markings of the drum, maybe colors?

A. Not at that time, no.

Q. Do you remember a particular smell that the cleaner may have had, an ammonia smell or alcohol smell?

A. No. There's no smell, no.

Q. When you cleaned down the floor with this cleaner, what happened to the cleaner after you put it on the floor?

A. It was applied to the floor, and then it was worked around with a like a broom and we just washed it off. You'd just washed it off.

Q. Did it wash in the ballast?

E. Sharp - by Mr. Jaffe

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3 A. Yes, at the end of the shop for the
4 cement.

5 Q. It was washed off with a hose?

6 A. Yes.

7 Q. Do you remember if any special protective
8 gear was used when this was applied, gloves or
9 masks?

10 A. Sometimes the employees would ask for a
11 mask, and that was only when they're operating the
12 hose. When I say we hosed it down, we hosed it down
13 with a fire hose, and sometimes the employees would
14 ask for a mask or possibly even a rain suit just for
15 the fact the water was splashing on them.

16 Q. But was there anything connected with this
17 cleaner itself?

18 A. No.

19 Q. When you were working at other facilities
20 other than Elkhart, either for Conrail or for Penn
21 Central, were the car shops there ever cleaned?

22 A. Yes. When I worked at Selkirk, that also
23 was a little different shop than Elkhart. It's
24 completely enclosed, has sides, a roof, doors and it
25 has a cement floor, and we cleaned that floor.

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Q. Did you clean that the same way, or did you clean that in a different way?

A. We used a different kind of material on the floor back then. It was like a mineral or spirits we used on the floor.

Q. Do you remember anything about that, markings on the containers or anything?

A. No.

Q. You don't happen to remember the name of it?

A. No.

Q. What year was that that you used that at Selkirk?

A. That was back in the early '70s when I first hired.

Q. Was that the whole time you were at Selkirk that you used that same method?

A. There was different types that we used. It wasn't always the same kind.

Q. At Selkirk were those received through the materials department?

A. That's right.

Q. Were there any other types of cleaners

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used for anything other than this cleaner used for the floor at the car shop at Elkhart?

A. Not that I'm aware of, no, sir.

Q. Were there any other chemicals used for any purpose at the car shop at Elkhart?

A. All the chemicals were -- anything that was anything of any hazardous was always inventoried by the material department, and as time went on, we posted the different kinds of materials that were there at the car shop and made it public information for everybody that worked there. Those are kept also on file at the DBA at Elkhart.

Q. Do you remember not the particular chemicals but what types of operations chemicals might be used for?

A. Basically in the car shop there was -- we didn't have any chemicals. We had an oil churn, oil for the journal bearings. We had motor oil for the trucks and the cranes like that. Like I said, we had this cleaning solution for the floors and basic window cleaner and floor cleaners. As far as any other major kind of chemical stuff, there was nothing.

E. Sharp - by Mr. Jaffe

1
2
3 Q. Did the car shop repair the cranes, or
4 were they repaired by an outside vendor?

5 A. They were repaired by an outside vendor.

6 Q. Do you remember the name of that vendor?

7 A. Yes, Erecto.

8 Q. Those are the names you gave me earlier?

9 A. Yes.

10 Q. Did they repair them on the premises, or
11 did they take them away to repair them?

12 A. Both.

13 Q. Did they also make inspections or periodic
14 maintenance calls on the cranes?

15 A. They did the preventive maintenance on the
16 cranes, yes.

17 Q. Did you supervise them in doing this, or
18 did they just come and do it themselves and report
19 that it had been done?

20 A. We maintain a log with all the cranes and
21 all the vehicles there, and certain periods of time
22 a periodic is due, and the driver, the operator or
23 it could even be a foreman would be aware when the
24 crane was getting due for a periodic and also the
25 vendor had a pretty good idea when it was due for

E. Sharp - by Mr. Jaffe

periodics, and they would come over and get the crane or whatever it was, truck or whatever, and they would take the vehicle to their garage and service it, then bring it back.

Q. Are you aware of any refrigerator units that were stationary at the Elkhart yard other than the refrigerated cars that came through?

A. No.

Q. If there were refrigerator units, would your department be responsible for maintaining them, or would a different department be responsible for maintaining them?

A. It would be the B & B department.

Q. If there was a leaking tank car, would the leaks be repaired at the car shop?

A. The leak would be stopped preferably right at the location where it was found rather than moving the car around.

Q. Why is that?

A. Well, if you couldn't stop it or confine or catch what was leaking, it was better to leave the car at one location rather than going all over the yard with it.

E. Sharp - by Mr. Jaffe

Q. How would a leak be stopped?

A. Well, different ways depending on what kind of tank car you got and what was leaking. I mean you could have the bottom outlet -- the shipper might not have tightened it up enough. You have to tighten that back up. It might have vibrated while it was en route. Sometimes the rupture disk on top of the tank cars would be ruptured, and you'd have to replace the disk or something like that. The manway covers on top, you'd have to tighten down the bolts and stuff like that, possibly a gasket replacement, and if we couldn't do the repair ourselves, we would get ahold of the shipper or the consignee and have them come out and make the repair to the car.

Q. If a tank car were leaking and it were being repaired where it was found leaking as you just described, the substance that was leaking, where would that go?

A. Well, prior to it being found, it would be dripping on the ground, and once it was found, we'd try to contain it in some kind of container until the leak was taken care of.

E. Sharp - by Mr. Jaffe

1
2
3 Q. What would happen to those containers as
4 they filled up or after the leak was stopped?

5 A. When I was there at Elkhart, if we had
6 material like that or a leak like that, we would
7 contract the waste materials to handle the spill or
8 whatever had spilled out of the car, whatever we had
9 contained. Sometimes who the product was going to,
10 they would take it, our container, and take it.
11 They would haul it out in their vehicle and take it
12 to their plant where it was going originally.

13 Q. Other than the unusual occurrence reports
14 and the CT-65 you talked about earlier, are there
15 any other written reports or documentation of
16 leaking tank cars?

17 A. That should cover all of them.

18 Q. If a tank car was leaking and the leak
19 couldn't be stopped immediately, was there a
20 particular place in the yard that the tank cars were
21 supposed to be taken?

22 A. There was an evacuation policy and
23 evacuation area set up at Elkhart yard where a car
24 would be taken to until either temporary repairs or
25 permanent repairs were done to the car to stop the

E. Sharp - by Mr. Jaffe

leak.

Q. Are you aware of any times when that was actually done while you were at Elkhart?

A. Yes. I've been called out at night and had to go down and look at a tank car they had put in a certain area isolated by itself.

Q. Do you remember when that was?

A. Not exactly, no.

Q. Do you remember what had happened?

A. On one particular incident I know the rupture disk was ruptured, and when they were moving the car, of course, the contents inside being liquid was sloshing, and with a ruptured disk which is up on top of the car and that material sloshes, it will splash up and on top of it. It was like showed signs of moisture on the car, and that's how it was detected.

(Whereupon, Sharp Exhibit No. 2 was marked for identification.)

Q. Mr. Sharp, let me show you what's been marked as Exhibit No. 2. This is a Xerox copy, but have you ever seen a document that looks like this before?

E. Sharp - by Mr. Jaffe

A. Yes. It's a layout of the Elkhart yard.

Q. Can you mark on this layout which has been marked as Exhibit No. 2 the position of the tank car that you just described that you were called out?

A. Where it was?

Q. Yes, where it was.

A. How do you want this marked?

Q. Any way you feel comfortable.

A. I'll put a circle there, and I'll draw a line out here and put car spotted on 11 local.

Q. What does that mean, 11 local?

A. You look at a map here. This yard down here is marked local. Yard tracks are numbered one through 11. I've drawn a circle there right there where track 11 is, and that's the number of the track.

Q. That's where the car was moved when the leak could not be immediately stopped; is that correct?

A. When they detected there was a leak in the car, yes.

Q. The reason I described this as being a Xerox, this is a black and white copy of a color of

E. Sharp - by Mr. Jaffe

a color original. Do you ever remember seeing this particular document before?

MR. ERMILIO: Do you mean the original of this?

MR. JAFFE: Yes. I mean the original.

A. Pretty much resembles what we use for, like I said, evacuation plan for hazardous stuff. My memory is the areas marked down here with stars are places that if we had a hazardous tank car, the car would be put at B, hazardous tank car with any kind of a leaking problem.

Q. The tank car that you were asked to come out and inspect for which you just marked the circle on the map, do you recall if it was a hazardous material or not?

A. No, I don't.

Q. Are you familiar with a compound called trichloroethylene, also called TCE?

A. I've heard the name of it. That's about it.

Q. In what connection have you heard the name?

E. Sharp - by Mr. Jaffe

A. Talking with other people just in conversation.

Q. Do you remember if any compounds or materials consisting of TCE either in part or in whole were used at the Elkhart yard?

A. No.

Q. Are you familiar with a compound called carbon tetrachloride?

A. Just the fact that I've heard the word before.

Q. Do you remember if anything in part or in whole comprising carbon tetrachloride was used at the Elkhart yard?

A. Not that I know of, no.

Q. What about trichloromethane also called TCA?

A. No.

Q. We talked about 55-gallon drums earlier, a material that was used to clean the floors. What happened to those 55-gallon drums once they were emptied?

A. They were taken back to the material department, and the material department handled them

E. Sharp - by Mr. Jaffe

from there.

Q. Where were those 55-gallon drums stored before they were used, I mean, when they were full before they were used?

A. They were like at the west end of the car shop.

Q. Under the canopy?

A. No.

Q. Were they outside of any building?

A. It was west of the car shop building.

Q. But it was outside?

A. Yes.

Q. Were there any other things stored out there where these drums were stored?

A. There's a lot of other material, car parts, things of that nature stored there. Of course, like I said, these 55-gallon drums and most of those were stored in a drum rack, and if they weren't in the drum rack, it was required that had to be -- they had to be kept so as the water would not accumulate to too much of a degree on top of them.

Q. A drum rack is shelving of some sort?

E. Sharp - by Mr. Jaffe

1
2 A. Shelf that has like a saddle where you can
3 set a 55-gallon drum in.
4

5 Q. You mean on the side?
6

7 A. Yes.
8

9 Q. Were these drums ever inspected to
10 determine whether or not they were leaking?
11

12 A. It was a regular traveled area, and the
13 material department maintained that area and
14 visually see these barrels every day.
15

16 Q. That area, too, was maintained by the
17 materials department rather than the car shop?
18

19 A. Yes.
20

21 Q. You said that leaking tank cars would be
22 repaired if possible wherever they were found rather
23 than moving them; is that correct?
24

25 A. Yes.
26

27 Q. Does that include tank cars that were
28 found to be leaking during the inbound inspection?
29

30 A. Yes.
31

32 Q. Can you put for me another mark at the
33 area in which the inbound inspection would take
34 place?
35

36 A. Which map?
37

E. Sharp - by Mr. Jaffe

Q. Why don't we use Exhibit 1 for that.

A. I'm going to abbreviate inbound, put i-n-b-d.

Q. Great. Thank you. Are you aware of any incident of material being buried at the Elkhart yard?

A. No.

Q. Have you ever heard reports or do you know anything about a buried tank car?

A. At one time I was questioned about that. I can't remember who was questioning me, and I told them I had no knowledge of any tank car buried.

Q. Is that true today, you still have no knowledge of that?

A. That's correct.

Q. If things were buried, would there be a particular department which would be in charge of such burial?

A. I never heard of anybody that buried anything, so I couldn't tell you. There's no department in charge of burying.

Q. Was there a department that was in charge of the grounds, for example?

E. Sharp - by Mr. Jaffe

A. That would be the maintenance and way department.

Q. Other than the one leak that you've indicated for us on Exhibit No. 2, are you aware of the location of any other leaking tank cars during your time at Elkhart?

A. Not that I can recall.

Q. Earlier you described several areas that you were in charge of. You described the shop, track one, the clean-out track, and you talked about yard foremen. Are there any other areas that are not described by one of those four things?

MR. ERMILIO: That he was in charge of you're asking?

MR. JAFFE: Yes.

A. Take your Exhibit No. 2. I mean I was basically in charge of any car department operation that went on in Elkhart yard which is what you have on this Exhibit 2.

Q. Let me put the question another way. Are there any car shop activities at the yard we haven't discussed yet?

MR. ERMILIO: Can you narrow that?

E. Sharp - by Mr. Jaffe

That's a pretty general question. Any car shop activities? I mean people eating lunch at the car shop, for example?

MR. JAFFE: No. We are not taking this to an absurd extent.

MR. CUNNINGHAM: We've been there before.

MR. ERMILIO: Exactly. We've been there before, and I want to make sure we understand the scope.

Q. Are there any official duties of the car shop that you were in charge of that we have not discussed in this deposition yet?

A. I think we pretty much covered most of them.

Q. When you say most of them, are there any?

A. None that I can think of at this moment.

Q. That's all I wanted to know. Was the outbound inspection substantially similar to the inbound inspection?

A. The difference being basically between the two, as I told you earlier, the outbound inspection mainly consisted of any obvious hump damage and the

E. Sharp - by Mr. Jaffe

1
2
3 inspection of the air brake system of the car, and
4 the inbound, it was more a detailed inspection of
5 the cars.

6 Q. Were closed cars inspected to determine
7 whether any of the load had been lost on the
8 outbound inspection?

9 A. No. In fact, if it was a closed car, we
10 did not open the door to see what was inside or if
11 anything was missing from inside.

12 Q. Were tank cars given inspections for leaks
13 on the outbound inspections?

14 A. Yes.

15 Q. Same type that you described earlier?

16 A. Yes.

17 Q. You said earlier that the electrician also
18 repaired marker devices.

19 A. Yes.

20 Q. Were those on cars?

21 A. Marker devices, as modernization hit the
22 railroad, we did away with cabooses, and there was a
23 rear-end marker device. It's designed so any
24 approaching train or whatever can detect that there
25 is a train ahead of it.

E. Sharp - by Mr. Cunningham

Q. When the electrician did those repairs, do they also take place on the cab track?

A. The marker repairs were done at the car shop building.

Q. Are you aware of any chemicals that were used in conjunction with the electrical repairs?

A. No.

Q. No, you're not aware of any, or no, there are none?

A. No. I'm not aware of any.

MR. JAFFE: I have no further questions at this time.

MR. CUNNINGHAM: I have a few. Mr. Sharp, I'm Pierce Cunningham, attorney for Penn Central Corporation, and I have a few questions.

EXAMINATION

BY MR. CUNNINGHAM:

Q. You first were hired, as I understand it, by my client, Penn Central, when they were in the railroad business back in 1971. Is that your testimony?

A. That's correct.

E. Sharp - by Mr. Cunningham

Q. You, however, did not arrive at Elkhart until 1985; is that correct?

A. Yes.

Q. Before 1985, am I to understand that you had never been to Elkhart or known anything about the operations that occurred before that date?

A. I had never been to Elkhart, and as far as the operations, it was just in a matter of conversation with other people who would try to relate what Elkhart yard was like to me.

Q. Can you tell me what conversations you had and with whom about the operations that took place before you got there?

A. Basically conversations as far as anything that would influence my job as to what happened before I got there. I talked to Mel Thimlar and Harry Beggs and also to some of the people that actually worked there, you know, just any prior information that I might be needing.

Q. In your conversations with any of these people, did you have any discussions about any spills of hazardous materials at the yard in Elkhart?

E. Sharp - by Mr. Cunningham

A. Prior to me arriving?

Q. Correct.

A. No.

Q. Had you ever had a conversation with a Claude Brutin about an alleged spill that occurred in the late '60s at the Elkhart yard?

A. No. I don't even recognize the name.

Q. That same question with respect to a Ted Berkshire?

A. No.

Q. What kind of discussions did you have with Harry Beggs about the yard before you got there?

A. Just what kind of inspection procedures and the repair procedures and what kind of basic guidelines were set for people as far as their work rules and work relationship with other people, more or less, feeling out the people and getting a feel for the yard.

Q. In connection with the discussion with any of these people about procedures, did you ask them whether, for example, before you got there, let's say in the late '60s, whether there were forms such as you've talked about today, CRB-10s, for example?

E. Sharp - by Mr. Cunningham

Do you recall any discussions about that?

A. Not with those people, no.

Q. With anybody else?

A. Not from the '60s, no.

Q. Let me ask you more directly. Do you know whether or not there were such forms as CRB-10s, the CT-65s during the period 1965 to 1970 at Elkhart?

A. There were forms similar. I don't know if they used the same number as that. I mean there were some forms there from those years that were still filed at Elkhart, yes.

Q. Mr. Sharp, how do you know that?

A. Well, in the process of moving things around or somebody even asking for some information, I'll come across some forms from that past, back as far as the '60s and that.

Q. In other words, as part of your work at Elkhart during 1985 to 1990, there would have been occasions to go back and perhaps see records during the late '60s?

A. Yes.

Q. Do you remember reviewing any such records?

E. Sharp - by Mr. Cunningham

A. Probably not as far as any yard operations. It would have been more on a personnel basis as far as the people.

Q. To the best of your knowledge, based on the inspections you did as a result of requests that you mentioned, what kind of forms would there have been for spills or loss of hazardous material during the years 1965 to 1970?

A. I think it was basically pretty much the same as the CT-65 form.

Q. In other words, the information contained in the form was the same, but the designation was not there?

A. Right.

Q. Do you remember ever seeing any such form?

A. I'm not positive, no.

Q. With respect to again the procedures, would the forms have remained at Elkhart for a period of time, do you know?

A. To the best of my knowledge, even back then there was a certain time limit that forms were to be kept.

Q. Do you remember what that time was?

E. Sharp - by Mr. Cunningham

A. No, I don't.

Q. Do you remember whether or not there were copies of those forms submitted to either the Dearborn office which I understand was the governing division for Elkhart or to Philadelphia?

A. Are you talking in the '60s?

Q. Yes.

A. Well, in the '60s the division headquarters weren't in Dearborn. They were in Chicago.

Q. Let's substitute Chicago for the question I asked.

A. I'm unaware of any copies that were sent up there.

Q. Was there a procedure or requirement, to your knowledge, during the years 1965 to '70 based on your discussions with others about the necessity for filing or completing forms similar to CT-65s or what you've described as unusual occurrence forms?

A. Yes. They had that prior to coming.

Q. Was there a policy you're aware of that called for the retention of those kinds of forms for any length of time?

E. Sharp - by Mr. Cunningham

A. I'm pretty sure, yes.

Q. Do you know what it was in terms of time?

A. No.

Q. What you're saying then, I think, for the record is that based on the information you had, discussions, work experience with such forms, they were retained, but you don't know for how long; is that right?

A. Yes; that's correct. We have guidelines to go by, and I can't remember all the figures, but there's books you can refer to that tell you how long to keep forms.

Q. In connection with your work at Elkhart, did you have to use the computer at all to go back and find any records for anybody?

A. We've had to go back and ask the Philadelphia office or something like that to get a microfiche copy of records, yes.

Q. Would it be as far back as that period of time I'm relating to, 1965, 1970?

A. That I don't know for sure.

Q. Do you know if any records are kept in the computer system for the period I'm talking about,

E. Sharp - by Mr. Cunningham

1
2
3 1965 to 1970?

4 A. I have at different times seen copies of
5 or microfiche of Penn Central forms for that far
6 back, yes.

7 Q. Do you know what kind of forms you're
8 talking about there?

9 A. I've seen derailment reports from the Penn
10 Central. I've seen some of the Penn Central billing
11 forms, CRBs I was talking about earlier. The other
12 stuff would be like personnel files for people.

13 Q. Obviously the forms that would relate to
14 1965 to '70 would have been inputted into the system
15 when it was first instituted because computers
16 obviously weren't there in '65 to '70; right?

17 A. It's my understanding that those forms
18 were converted to a microfiche or something.

19 Q. The derailment form is MP-200 I think you
20 testified.

21 A. Yes.

22 Q. And you have seen such forms that would
23 cover derailments during the period 1965 to 1970?

24 A. That is correct.

25 Q. Why are such records kept for that length

E. Sharp - by Mr. Cunningham

of time?

A. Well, I really think when I was at Elkhart, whatever words you want to use, pack rats or whatever, the forms were kept, and when I got there, due to the availability of files and everything, I went through these manuals and found the exact retention time for these files, and the people prior to me didn't want to give them up.

Q. Mr. Sharp, if I were to try to find a particular derailment during the period 1965 to 1970 because I didn't think it happened perhaps, could I go to the computer and somehow retrieve information about a derailment that may have occurred at Elkhart during that period?

MR. ERMILIO: Pierce, note my objection to the question. Can you rephrase that because I don't understand.

Q. Do you understand what I'm saying?

A. I understand what you're saying, and to my knowledge, I don't know.

Q. You think it may exist, but how you would go about getting that is not something you know?

A. That's correct.

E. Sharp - by Mr. Cunningham

Q. Who would I talk with to find out that information at Conrail?

A. I would say it would have to be somebody in our Philadelphia office, in the car department in the Philadelphia office.

Q. So assume somebody came up to you now and said you know, could you help me find a derailment that occurred or may have occurred in the late '60s? I know you don't know, Ed, but tell me who I could go to to find that information out in as much detail as possible? Who would you tell me to go to?

A. I would probably direct it to our Philadelphia office, and the person in charge down there is Mr. Pete Laganna.

Q. Do you know his title?

A. He is general manager of car inspection and repair.

Q. Tell me what you think he would do to help me get that information.

A. He would probably direct you to -- it's ABD who would have access if there was accessibility to records from that era.

Q. Who would that probably be, not that you

E. Sharp - by Mr. Cunningham

know their names, but perhaps the departments they may be in?

A. I really don't know.

Q. That would be something Mr. Laganna would know?

A. Yes.

Q. People under his control; right?

A. I would say if they were not under his control, he could lead you in the right direction who to talk to.

Q. Let's take the same sort of questions, Mr. Sharp, only let's assume that I wasn't looking for derailment but rather a loss of lading. Could you help me there?

A. Loss of lading would probably be handled by the damage prevention department.

Q. Again that would be Philadelphia?

A. Yes.

Q. Who would you suggest I would talk with there?

A. Without my Conrail phone book, I couldn't tell you right at this time.

Q. Is there a title of a department that you

E. Sharp - by Mr. Cunningham

could send me to?

A. The title of the department would be damage prevention.

Q. That would be the name of that department, and there is probably a manager of that department?

A. Yes.

Q. You just don't know his name?

A. No, I don't.

Q. Were you involved, responsible for or otherwise connected with assessment of loss of lading at all in your job at Elkhart?

A. Yes.

Q. In what connection would that have been?

A. One thing, these CT-65s that I had talked about earlier, you have to give -- there's a line there that tells you you have to fill out for the amount of lading loss, and you would have to --

Q. That was part of your responsibility at Elkhart?

A. Yes.

Q. Do you know what the procedures were back in the late '60s, and by that I mean who would have been responsible for completion of that form at that

E. Sharp - by Mr. Cunningham

time?

A. No.

Q. The procedure might have been different; it might have been the same. You don't know?

A. I have no idea.

Q. What about the procedures for inspection of the inbound and outbound cars, do you know whether the procedure was the same during the late '60s as it was during the time you described when you were at Elkhart?

A. No.

Q. It could have been different; is that right?

A. Yes.

Q. Due to my not listening, I don't think I picked up the names of anybody that you know of that would have been an inspector, although you may have said -- you gave a bunch of names. I wasn't sure if those people you had mentioned had anything to do with the inspectors. Remember you said, I believe, there were inbound inspectors, outbound inspectors. Did they have titles?

A. They were car inspectors. Their name is

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car inspectors, and the only differentiation of them would be it just showed work location. Some would show work location of inbound; some would show work location outbound.

Q. Did you mention any names?

A. Nobody asked me.

Q. Do you know when you were at Elkhart -- and if the list is huge, I don't want to get into it really. Do you know any of the inspectors who would have been there for quite a while? Let's talk about the ones that are significant. Do you know any of the names of any inspectors that probably were there when you came in 1980 and may have been there for sometime?

A. When I went to Elkhart, there was like 140 some people working underneath.

Q. How many inspectors would there have been?

A. I would probably have to say around 50 or 60. That's just an estimate.

Q. I'm trying how to be sensible. It's not easy. Maybe you can supply that information to Mr. Ermilio, some of the names after you leave here rather than go into it now, and we can have that

E. Sharp - by Mr. Cunningham

available. Does that cause you any concern?

MR. CUNNINGHAM: Jim, does that cause you concern?

MR. ERMILIO: Names of inspectors at the yard when he arrived in '85?

MR. CUNNINGHAM: That had been there, let's say, more than five years.

MR. ERMILIO: How about if we try to get you the few with the greatest longevity at the yard.

MR. CUNNINGHAM: Fine.

MR. ERMILIO: If that's possible. I can't make any promises to you that's possible, but that's what we'll try to do.

Q. If there was a damaged, leaking tank car that came into Elkhart during the time you were there, it would have been the responsibility of an inspector to have discovered that; am I correct? That would have been his job?

A. In inspecting the car, yes, that is part of his duties, yes.

Q. These inspectors I take it are basically looking for problems that occur to cars of any kind;

E. Sharp - by Mr. Cunningham

1
2
3 is that right?

4 A. That's correct.

5 Q. This would include such things as vandals
6 breaking in, sleeping in boxcars, that kind of
7 thing?

8 A. Yes.

9 Q. So in all probability if a car came into
10 Elkhart in a condition leaking cargo, an inspector
11 would probably be the first to discover that; is
12 that right?

13 A. Yes.

14 Q. What about a situation in which a car is
15 damaged as a result of coupling in a humping area,
16 who would be responsible for determining or
17 inspecting any damage as a result of such an
18 incident? And we'll assume this also involved a
19 derailment.

20 A. Inspecting the damages?

21 Q. That's what I'm trying to see. Would you
22 then still have a responsibility of inspecting at
23 that point, or does the responsibility only exist
24 incoming and outgoing?

25 A. If a car was damaged in the class yard or

E. Sharp - by Mr. Cunningham

classification yard?

Q. Right. Assume that.

A. The car department would have the responsibility of assessing the damage.

Q. When you say car department, you mean inspectors for the car department?

A. Could be an inspector. It could be a repairman, whoever was available.

Q. But that's their job?

MR. ERMILIO: What is their job?
You've lost me, and I think you may have lost Mr. Sharp. You definitely lost me.

Q. It would be the job or responsibility of the car department, you say, to determine whether a car was damaged as a result of a humping operation; is that correct?

A. Basically, yes, and the only reason I say basically is when cars in the classification yard are pulled out of the classification yard, a brakeman who is part of the transportation department, he goes up on the track to hook these, make sure these cars are coupled. If in his walking up that track he sees something, then he may be the

E. Sharp - by Mr. Cunningham

1
2
3 first person that actually sees it, and then if
4 there's a problem, he would request the car
5 department personnel.

6 Q. A brakeman because they're involved, I
7 take it, in the coupling operation more than anybody
8 else would be more likely to see damage resulting
9 from the situation I described?

10 A. The first to see, yes.

11 Q. And the brakemen, they're part of the car
12 shop?

13 A. No. I said they're part of the
14 transportation department.

15 Q. Let's assume further then as a result of
16 the coupling, a derailment occurs causing damage to
17 the tank car. Is there a derailment crew that's
18 involved in such situation?

19 A. As I told him earlier, there's a wreck
20 crew that we have different means of rerailing,
21 whether it be to pull the car out with rerailers.

22 Q. That's Jim Hupp and Larry Miller?

23 A. They're the wreck master. They're the
24 foremen in Chicago. It was Clayton Powers, Jim Hupp
25 and Larry Miller.

E. Sharp - by Mr. Cunningham

Q. It's their job to put the train back on the track; right?

A. That is correct.

Q. So if an accident took place such as I've described requiring a car to be placed back on the track, someone who was on the derailment crew would probably know about that; right?

A. That is correct. Those three names you mentioned now are only three foremen.

Q. Those are just top people. They have under them a number of other people; right?

A. That is correct.

Q. The names I had were Clayton Powers, Jim Hupp, Jim Thimlar. Willie Wills, is he included in that group?

A. No.

Q. Just the top three?

A. No. The three wreck masters, basically the foreman in charge of the wrecking when I was at Elkhart was Clayton Powers, Jim Hupp, Larry Miller.

Q. Back in the late '60s, you don't know who was there at that time?

A. No. Yes.

E. Sharp - by Mr. Cunningham

Q. Do you have any idea?

A. It's a possible it could have been Milo Chandler.

Q. Again he would be part of the car shop operation?

A. Yes.

Q. How did you come up with that name?

A. Milo Chandler?

Q. Yes.

A. I was aware that he was at Elkhart and he was a wreck master there through conversation with other people, and when I went to Elkhart, he was off sick and has since passed away.

Q. He's the only name you would recall during that period of time that would have been involved in any kind of derailment; right?

A. That I can recall, yes.

Q. We heard some testimony in previous depositions, as I recall, that usually in a spill of a hazardous material which may have resulted from a scenario such as I described, that always the terminal superintendent would be informed; is that right?

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A. He would have knowledge of it, yes.

Q. Is that a traditional procedure in rail yards? How does that come about?

A. Terminal superintendent is -- he is in the transportation department, and basically he oversees the whole yard and the whole yard operation and the people who work in the yard.

Q. So you in some ways would be responsible to him for reporting procedures?

A. That is correct.

Q. So in addition to making perhaps an unusual occurrence report for an incident such as I have described and the completion of the CT-65, he would have gotten copies of those forms?

A. That's correct.

Q. You must get a lot of forms in a year's time.

A. You got it.

Q. Do you know whether that sort of methodology was employed during the late '60s, that same sort of reporting procedure?

A. I didn't work for the railroad in the late '60s.

E. Sharp - by Mr. Cunningham

Q. You don't know?

A. No.

Q. Then you haven't seen any records that might verify or cut against that method; is that right?

A. As I said earlier, I saw some Penn Central forms that were dated back in the '60s.

Q. But whether or not the terminal superintendent would have been involved, you're not sure?

A. No, sir.

Q. It's my understanding that you have no knowledge of any spills of hazardous materials such as described by the United States attorney, carbon tetrachloride or TCE at Elkhart either when you were there between 1985 and '90 or before that time; is that right?

A. Not those words. Like I said, those words I've heard. I don't know what they are.

Q. But as far as a spill of any such things, you have no personal knowledge; isn't that right?

A. Correct.

Q. That would include periods of time when

E. Sharp - by Mr. Cunningham

1
2
3 you were there and before that time?

4 A. I can only say when I was there.

5 Q. Have you heard of any spills involving any
6 of those materials that took place before you were
7 there?

8 A. No.

9 Q. Now, you mentioned evacuation areas were
10 set up. When were those set up?

11 A. I can't remember the exact date.

12 Q. Do you know whether they were there before
13 you came there in '85?

14 A. This map, Exhibit 2, that they show me,
15 that was made up during the time I was at Elkhart
16 between '85 and '90.

17 Q. So what does that mean?

18 A. To the best of my knowledge, these areas
19 were set up during the period of '85 and '90.

20 Q. So they would not have been there before
21 you got there; is that right?

22 A. Specified as in this map, no.

23 Q. You described for us the system employed
24 while you were there at Elkhart between '85 and '90,
25 sort of a system for repair of cars that had been

E. Sharp - by Mr. Cunningham

derailed and badly damaged. Some could be fixed in the car shop. Others could be fixed in the yards depending on the extent of the damage as I understand it. Some might even be removed from Elkhart if it required excessive man-hours.

I guess my question to you now is: Did that same system, to your knowledge, apply during the years 1985 to '70, or do you know?

A. To my knowledge, yes.

Q. That's been a tried and true tradition for repairs; is that what you're saying?

A. To the best of my knowledge, yes.

Q. What do you base that on?

A. Conversations with people that worked prior.

Q. Who are those people?

A. Names?

Q. If you will.

A. For example, the people like were mentioned, the Mel Thimlars, the Harry Beggs, people at Elkhart, some of the old inspectors and repairmen that have worked there.

Q. So it came down to you through what we

E. Sharp - by Mr. Ermilio

call tradition; is that right?

A. Communication.

MR. CUNNINGHAM: I think that's all I have. Thank you.

(Short recess taken)

EXAMINATION

BY MR. ERMILIO:

Q. I have a couple questions. Mr. Sharp, you started with Penn Central in what year?

A. 1971.

Q. At New York, Selkirk, New York?

A. That's right.

Q. I want to ask you about the cleaning of the floor, the car shop at that yard. What was it that you used to clean the floor?

A. One of the things was like a mineral spirits, and there was other types of material that we used for cleaning.

Q. You said like a mineral spirits. Can you describe it?

A. Like some of that stuff. I say mineral because it was like -- not the same as, but

E. Sharp - by Mr. Ermilio

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3 something like a kerosene or something like that. I
4 mean it had a smell of something like that. Then we
5 had other stuff that was stronger, a cleaner that
6 would give off aroma and stuff like that.

7 Q. Did the workers use protective clothing or
8 gear of any kind when they used this in New York?

9 A. I remember when we cleaned the shop up
10 there, we had to wear rubber boots and that. They
11 told you not to get it on your work shoes but to
12 wear galoshes or something.

13 Q. Do you know why that was?

14 A. They said if you got in it your boots, it
15 may deteriorate them.

16 Q. Was the same cleaning material used at
17 Elkhart in 1985 when you arrived there, the cleaning
18 of the floor of the car shop?

19 A. No.

20 Q. Can you describe the difference?

21 A. It was like a soapy matter, more like a
22 soap material.

23 Q. You used at Elkhart?

24 A. Yes, at Elkhart. Like I said earlier,
25 that kind of protective gear was, more or less, to

E. Sharp - by Mr. Ermilio

protect the person from the water. They washed it off.

Q. Coming back to New York in '71 and the solution that was used at that time, do you know when Penn Central or -- let me ask it this way. Do you know when the solution was changed to something different, when they used something different to clean the floor of the car shop rather than the solution they were using at the time you arrived?

A. I would say around the mid '70s.

Q. Was it before Conrail took over Penn Central Railroads?

A. It was right around that time Conrail took over in '76. It was around that era.

Q. You said earlier that you compared the car shop in New York to the car shop at Elkhart as being similar; is that correct?

A. Kind of laid out the same way. Like I said earlier, the Selkirk shop was completely enclosed. It had sides and doors on both ends and everything.

Q. What type of floor?

A. Cement floor.

E. Sharp - by Mr. Jaffe

Q. Where was the cleaning material purchased for cleaning the car shop floor in New York back in '71?

A. Back then it was handled through the material department.

Q. So it was through the Penn Central system?

A. Penn Central material, yes.

MR. ERMILIO: No other questions at this time.

RE-EXAMINATION

BY MR. JAFFE:

Q. I have a few brief follow-up questions, and hopefully we'll be wrapping this up. When you were asked by Mr. Cunningham about naming car inspectors, you said there were a lot of car inspectors and you weren't sure of their names. At a later point you said you had talked to particular car inspectors who had been around for a long time about past practices, and I'm wondering if you can remember any of the names of those people who had been around for a long time who are car inspectors.

A. At Elkhart?

E. Sharp - by Mr. Jaffe

Q. Yes, sir.

A. Car inspectors; is that right?

Q. Yes, sir.

A. It would be like Jay Lancaster.

Q. Is that Jay J-a-y or Jay J period?

A. I think it's -- we just called him Jay. I don't know if it was J or J-a-y. J. D. Williams, Howard Leese.

Q. Could you spell the last name?

A. L-e-e-s-e. There were others. I just can't get the names right off the top of my head right now.

Q. Do you know where Jay Lancaster is right now?

A. He still works at Elkhart yard.

Q. Do you know where J. D. Williams is?

A. He's, as far as I know, still at Elkhart yard.

Q. How about Albert Leese?

A. He retired.

Q. Is he living in Elkhart, do you know?

A. I believe so, yes.

Q. Were there any other people who had been

E. Sharp - by Mr. Jaffe

1
2 around for a long period of time that you talked to
3 about past practices other than Thimlar, Beggs or
4 these particular car inspectors that you named?
5

6 A. There was, but I can't remember the names
7 now.

8 Q. You just don't remember the names?

9 A. No.

10 Q. I appreciate your patience with all this
11 naming. It's one of the things we have to do.

12 MR. CUNNINGHAM: You don't have to.

13 MR. JAFFE: That's what I'm paid to
14 do.

15 Q. Are there any scenarios under which a car,
16 a tank car could come into the yard without leaking
17 but leak before it left the yard?

18 A. Yes. There's been times where you find a
19 car in the class yard or in one of the departure
20 yards that had developed a leak, as I said earlier,
21 which could have been from vibration of the bottom
22 outlet or something like that.

23 Q. I'm sorry. Vibration of the bottom
24 outlet?

25 A. Yes.

E. Sharp - by Mr. Jaffe

Q. That's the outlet on the tank itself?

A. Yes. There's several different styles of tank cars, but the bottom outlet is usually for the discharge of the material that's in the tank car, and those have developed a leak, whether it be from, like I said, the valve loosening up, the packing around the valve going bad or something of that nature.

Q. You said also that the exhibit, the map that we're labeling as Exhibit 2 in this deposition was developed or produced during the time that you were at the Elkhart yard; is that correct?

A. That's correct.

Q. Do you know who produced it?

A. Not exactly, no.

Q. Do you know what department would have been in charge of producing it?

A. Probably it would have been somebody in engineering.

Q. Would it have been somebody at Elkhart or somebody in Philadelphia or division headquarters?

A. I don't know that.

Q. Do you know why it was developed?

E. Sharp - by Mr. Jaffe

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3 A. Basically so there would be procedures in
4 case of a hazardous incident. Also some people can
5 look at it and be familiar with the yard, and I
6 believe it was also given to the local fire
7 department and that also.

8 Q. You said during your time at Selkirk in
9 New York a cleaner was used for the floors, and you
10 described several different cleaners that were
11 used. One you said had a kerosene smell, and the
12 other you said had a strong odor. Could you
13 describe the strong odor other than the kerosene
14 smell?

15 A. I would kind of relate it to like an acidic
16 smell.

17 Q. Is there any other substance or chemical
18 that it reminded you of?

19 A. Possibly like back when your car batteries
20 were not sealed as they are nowadays and you would
21 have them charging, they would give off some type of
22 odor of the same.

23 Q. Did you say when approximately that
24 chemical was used through?

25 A. I don't know how long of a period. I know

E. Sharp - by Mr. Jaffe

in the early '70s it was used, but it was changed in the mid '70s. I don't recall it being used after that.

Q. Was it used the entire time you were at Selkirk?

A. No.

Q. When you left Selkirk, what types of chemicals were being used to clean the floors there?

A. I don't really recall. It was different. I mean they changed. Like I said, there again it was all ordered by the material department.

Q. Was that the same or different than the materials used to clean the floors when you were at Elkhart?

A. It would be different.

Q. Do you know if those chemicals that were used to clean the floors while you were at Selkirk chemicals generally used by Conrail facilities to clean cement floors?

A. All I can tell you, they were ordered by the material department, and they had standards even when it was Conrail and Penn Central.

MR. JAFFE: I just want to put on the

E. Sharp - by Mr. Cunningham

record that we'd like to request CRB-10s. Actually I'll do the request in writing. I have no further questions.

MR. CUNNINGHAM: I have a few follow-ups, Mr. Sharp.

RE-EXAMINATION

BY MR. CUNNINGHAM:

Q. You spoke about MP-200s which, I believe, are currently used by Conrail to report derailments; is that right?

A. That's true.

Q. I don't think I asked you whether or not that same designation MP-200 was used, to your knowledge, between 1965 and 1970. But you did indicate in answer to a question I had about a CT-65 that the form was the same. The designation didn't exist. Is that also true with the MP-200, that the form existed but the designation did not?

A. Yes. It was a similar form. It may have been a different number but a similar form.

Q. So to clarify the record, you do understand between 1965 and 1970 Penn Central at

E. Sharp - by Mr. Cunningham

Elkhart used a form to record, memorialize if you will, derailments, but that it may not have had the designation MP-200; right?

A. That's correct.

Q. It's further my understanding -- correct me if I'm wrong -- that that kind of information is on the computer system now and that you've seen such records; is that right?

A. The old Penn Central forms?

Q. Well, yes. In other words -- correct me if I'm wrong -- I thought you said you had looked at some derailment forms that may have gone back to that era which based on your immediate testimony would be a form that didn't have an MP-200 but contained that same information, i.e., a derailment form, and that those were on computer and that you've seen them; is that right?

A. I don't believe I stated that I saw them on computer. I believe what I have seen, I've either seen the originals or copies of that form.

Q. You're not a chemist, are you?

A. No, sir.

Q. You have no chemical background

E. Sharp - by Mr. Cunningham

whatsoever; is that right?

A. No.

Q. You don't know based on testimony you've given me already here today for the record what was going on by your own personal knowledge at Elkhart prior to 1985 when you first went there; isn't that right?

A. That's correct.

Q. So as far as the cleaning of the floor is concerned, what was going on in the cleaning of the floor at Elkhart you can't say, can you?

A. That's correct.

MR. CUNNINGHAM: That's all.

MR. ERMILIO: I have no questions.

MR. JAFFE: You're done.

(Deposition concluded at 3:35 p.m.)

(Signature not waived.)

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3 UNITED STATES OF AMERICA

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5 vs.

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7 CONSOLIDATED RAIL CORPORATION, et al.
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10
11 CERTIFICATE

12 I, ED SHARP, do hereby certify that I have
13 read the foregoing transcript of my deposition
14 consisting of Pages 3 through 115, and it is a true
and correct copy of my testimony, except for the
changes, if any, made by me on the attached
Deposition Correction Sheet.

15
16 -----
ED SHARP

17 -----
(Date)
18

19 -----
Notary Public

20 -----
21 (Date)
22
23
24
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1
2
3
4 COMMONWEALTH OF PENNSYLVANIA)

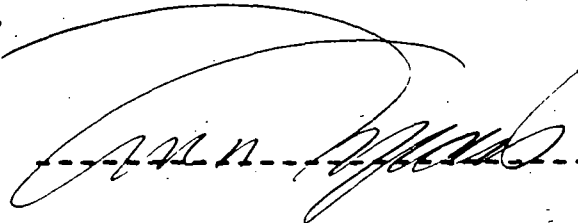
5 COUNTY OF ALLEGHENY)

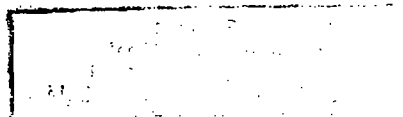
6 I, Ann Medis, a notary public in and for
7 the Commonwealth of Pennsylvania, do hereby certify
8 that the witness, ED SHARP, was by me first duly
9 sworn to testify the truth, the whole truth, and
10 nothing but the truth; that the foregoing deposition
11 was taken at the time and place stated herein; and
12 that the said deposition was recorded
13 stenographically by me and then reduced to
14 typewriting under my direction, and constitutes a
15 true record of the testimony given by said witness,
16 all to the best of my skill and ability.

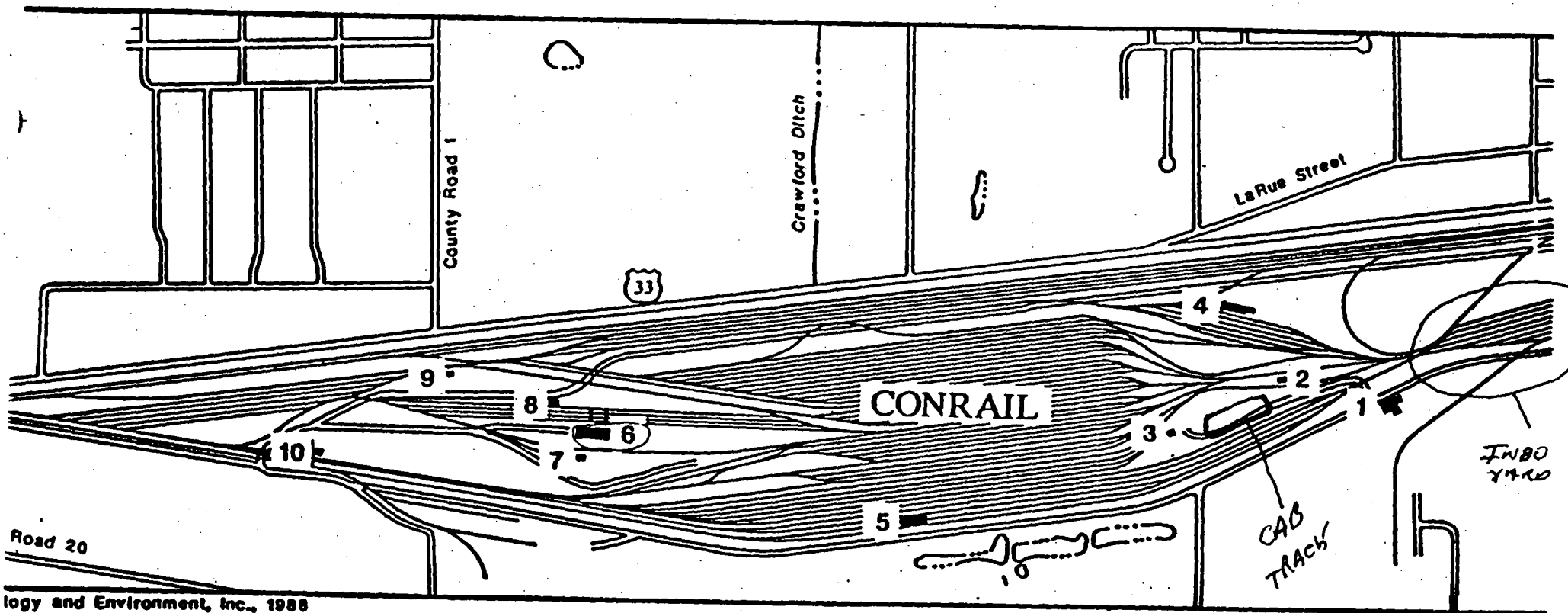
17 I further certify that the inspection,
18 reading and signing of said deposition were not
19 waived by counsel for the respective parties and by
20 the witness.

21 I further certify that I am not a
22 relative, or employee of either counsel, and that I
23 am in no way interested, directly or indirectly, in
24 this action.

25 IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office this 14th day of
January, 1993.







logy and Environment, Inc., 1988

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EXHIBIT	1
Witness	2/2/93
Date	1-7-1993
Rpt.	2/2/93
Powers & Garrison	

